

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLIN NICOLOUDAKIS : CIVIL ACTION
v. : No. 05-563
LYNN ABRAHAM, ET AL. :
:

ORDER

AND NOW, this 8th day of January, 2007, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Amended Petition for Writ of Habeas Corpus (Document No. 2), the Commonwealth's Response to Petition for Writ of Habeas Corpus, the first Report and Recommendation filed by United States Magistrate Judge M. Faith Angell (Document No. 8), the Supplemental Report and Recommendation filed by United States Magistrate Judge M. Faith Angell (Document No. 13), and the petitioner's objections to the Supplemental Report and Recommendation (Document No. 16), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The Report and Recommendation (Document No. 8) is **NOT ADOPTED**;
2. The Supplemental Report and Recommendation (Document No. 13) is

APPROVED and ADOPTED:

3. The Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED**; and,
4. There is no probable cause to issue a certificate of appealability.

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.